

**CLAIMS AMENDMENTS**

1. (Currently amended) A batting stance training device, comprising:

a first strip of material for positioning adjacent to a home plate;

second, third, and fourth strips, attached to each other and said first strip to form a batting box in which the batters stands adjacent to the foot position indicators; and

a plurality of foot position indicators moveably attached and extending from the first strip of material, each foot position indicator having an edge against which a foot is placed during batting.

2. (Original) The batting stance training device according to Claim 1, including a fastener extending partially along the length of the first strip of material, and a fastener attached to each of the foot position indicators to allow moveable attaching of the foot position indicators to the first strip.

3. (Original) The batting stance training device according to Claim 1, including an opening in each end of the first strip to allow a it to be anchored in position by a pin device.

4. (Canceled)

5. (Original) The batting stance training device according to Claim 1, wherein said first strip is of a flexible material that may be folded or rolled into a small size to facilitate carrying and storage.

6. (Currently amended) The batting stance training device according to Claim 1 ~~4~~, wherein said second, third, and fourth strips are of a flexible material that may be folded or rolled into a small size to facilitate carrying and storage.

7. (Original) The batting stance training device according to Claim 1, wherein said foot positioning indicators include a generic outline of a foot.

8. (Original) The batting stance training device according to Claim 1, wherein said plurality of foot position indicators are slidably mounted on said first strip.

9. (Original) The batting stance training device according to Claim 1, including indicia thereon for indicating the position of each foot position indicators on said first strip.

Serial No. 10/803,451

10. (Currently amended) The batting stance training device according to Claim 9, wherein said foot position indicators have an opening ~~open~~ therein through which the indicia on the first strip may be viewed to indicate the position of the foot position indicator location on the first strip.

11. (Original) A batting stance training device, comprising:

a first strip of material for positioning adjacent to a home plate;

a plurality of foot position indicators moveably attached and extending from the first strip of material, each foot position indicator having an edge against which a foot is placed during batting; and

a plurality of additional strips of material for attaching to said first strip and to each other for forming a batter box around the foot position indicators.

12. (Original) The batting stance training device according to Claim 11, including a fastener extending partially along the length of the first strip of material, and a fastener attached to each of the foot position indicators to allow moveable attaching of the foot position indicators to the first strip.

Serial No. 10/803,451

13. (Original) The batting stance training device according to Claim 11, including an opening in each end of the first strip to allow a it to be anchored in position by a pin device.

14. (Original) The batting stance training device according to Claim 11 wherein said first strip is of a flexible material that may be folded or rolled into a small size to facilitate carrying and storage.

15.(Original) The batting stance training device according to Claim 11 wherein said additional strips of a material are of a flexible material that may be folded or rolled into a small size to facilitate carrying and storage.

16. (Original) The batting stance training device according to Claim 11, wherein said foot positioning indicators include a generic outline of a foot.

17. (Original) The batting stance training device according to Claim 11, wherein said plurality of foot position indicators are slidably mounted on said first strip.

Serial No. 10/803,451

18. (Original) The batting stance training device according to Claim 11, including indicia thereon for indicating the position of each foot position indicators on said first strip.

19. (Currently amended) The batting stance training device according to Claim 18, wherein said foot position indicators have an opening ~~open~~ therein through which the indicia on the first strip may be viewed to indicate the position of the foot position indicator location on the first strip.

20. (Currently amended) A batting stance training device, comprising:

a ~~first strip~~ plurality of strips of material for positioning adjacent to a home plate, a first of said strips ~~said first strip~~ having a position indicia thereon; and

a plurality of foot position indicators slidably and moveably attached and extending from the first strip of material, each foot position indicator having an edge against which a foot is placed during batting.

## **DETAILED ACTION**

### **Claim Objections**

#### **Comments of the Examiner**

Claims 10 and 19 are objected to because of the following informalities:

In line 2: "open" should be — opening

Appropriate correction is required.

#### **Reply to the Examiner's Comments**

Claims 10 and 19 have been amended as indicated by the Examiner.

### **Claim Rejections -35 USC ~ 102**

Claims 1,2,5,7, 9 and 10 have been rejected under 35 U.S.C. 102(b) as being anticipated by Burnes.

#### **Comments of the Examiner under the Rejection**

Burnes discloses a first strip of material for positioning adjacent to a home plate (12); and a plurality of foot position indicators (14,16) moveably attached and extending from the first strip of material, each foot position indicator having an edge (fig 2). In as much structure set forth by the applicant in the claims, the cited device is capable of use in the intended manner if so desired (See MPEP 2112).

As to claim 2 : Burnes discloses a fastener (fig 4, item 80).

As to claim 5 : Burnes discloses a flexible material (2:39-41).

As to claim 7 : Burnes discloses a foot outline (fig 3).

As to claims 9 and 10 : Burnes discloses indicia (fig 1, 5:27-30).

**Reply to the Examiner's Comments**

Claim 1, the dependent claim has been amended to included the allowable material of Claim 4. Claims 2, 5, 7, 9 and 10, as claims depended from Claim 1 are therefore allowable.

**Claim Rejections -35 USC ~ 102(b)**

Claims 1-3,5,7, 9 and 10 have been rejected under 35 U.S.C. 102(b) as being anticipated by Bozzacco.

**Comments of the Examiner under the Rejection**

Bozzacco discloses a first strip of material for positioning adjacent to a home plate (24); and a plurality of foot position indicators (9a, 10a) moveably attached and extending from the first strip of material, each foot position indicator having an edge (fig 6). In as much structure set forth by the applicant in the claims, the cited device is capable of use in the intended manner if so desired (See MPEP 2112).

As to claim 2 : Bozzacco discloses a fastener (fig 6, item 10c).

As to claim 3 : Bozzacco discloses an opening (fig 6, item 24a,24b).

As to claim 5 : Bozzacco discloses a flexible material (1:57-58).

As to claim 8 : Bozzacco discloses slidable fasteners (fig 3).

As to claims 9 and 10 : Bozzacco discloses indicia (fig 1, 5:27-30).

**Reply to the Examiner's Comments**

Claim 1, the dependent claim has been amended to included the allowable material of Claim 4. Claims 2, 3, 5, 8, 9 and 10, as claims depended from Claim 1 are therefore allowable. It should be noted that Bozzacco is for a dog collar, and each of

Serial No. 10/803,451

the mentioned items, attached to a dog collar, is not suggestive of the present invention defined in the Claims. However, the amendments to the claims renders the claims patentable over Bozzacco.

Claims 1,2,3,5,7, 8,9,10 and 20 have been rejected under 35 U.S.C. 102(b) as being anticipated by Taylor.

#### **Comments of the Examiner under the Rejection**

Taylor discloses a first strip of material for positioning adjacent to a home plate (11); and a plurality of foot position indicators (20,21) moveably attached and extending from the first strip of material, each foot position indicator having an edge (fig 1). In as much structure set forth by the applicant in the claims, the cited device is capable of use in the intended manner if so desired (See MPEP 2112).

As to claim 2 : Taylor discloses a fastener (fig 1, item 20a). As to claim 3 : See lead lines 15, 16, in fig 1 and 4.

As to claim 5 : Taylor discloses a flexible material (2:15-20).

As to claim 7 : Taylor discloses a foot outline (fig 1, item 20b). In as much structure set forth by the applicant in the claims, the cited device is capable of use in the intended manner if so desired

As to claim 8 : Taylor discloses a slidable fastener (fig 1, item 20a).

As to claims 9 and 10 : Taylor discloses indicia (fig 1, 5:27-30).

As to claim 20 : see claim 1 and 10 rejection.



**Reply to the Examiner's Comments**

Claim 1, the dependent claim has been amended to include the allowable material of Claim 4. Claims 2, 3, 5, 7, 8, 9 and 10, as claims depended from Claim 1 are therefore allowable. Claim 10 has been amended and includes the multiple strips of allowable Claims 4 and 6.

Claims 1,2,5,7, 8,9 ,10 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Pierce.

**Comments of the Examiner under the Rejection**

Pierce discloses a first strip of material for positioning adjacent to a home plate (22); and a plurality of foot position indicators (38) moveably attached and extending from the first strip of material, each foot position indicator having an edge (fig 4). In as much structure set forth by the applicant in the claims, the cited device is capable of use in the intended manner if so desired (See MPEP 2112).

As to claim 2 : Pierce discloses a fastener (fig 7, item 38).

As to claim 5 : Pierce discloses a flexible material (2:47-50).

As to claim 7 : Pierce discloses a foot outline (fig 7, item 38). In as much structure set forth by the applicant in the claims, the cited device is capable of use in the intended manner if so desired

As to claim 8 : Pierce discloses a slidable fastener (fig 7).

As to claims 9 and 10 : Pierce discloses indicia (fig 7).

As to claim 20 : see claim 1 and 10 rejection.

Serial No. 10/803,451

**Reply to the Examiner's Comments**

Claim 1, the dependent claim has been amended to include the allowable material of Claim 4. Claims 2, 5, 7, 8, 9 and 10, as claims depended from Claim 1 are therefore allowable. Claim 10 has been amended and includes the multiple strips of allowable Claims 4 and 6.

**Claim Rejections -35 USC ~ 103**

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burnes as applied to claim 1 above, and further view of Schnorr.

**Comments of the Examiner under the Rejection**

Schnorr discloses the use of openings for anchoring the device (fig 1 b, 1 c). It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the anchoring means of Schnorr with the apparatus in order to prevent the device from moving during use.

**Reply to the Examiner's Comments**

Claim 1, the dependent claim has been amended to include the allowable material of Claim 4. Claim 3 depends from amended Claim 1, and is therefore allowable.

Serial No. 10/803,451

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pierce as applied to claim I above, and further view of Schnorr.

#### **Comments of the Examiner under the Rejection**

Schnorr discloses the use of openings for anchoring the device (fig I b, 1 c). It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the anchoring means of Schnorr with the apparatus in order to prevent the device from moving during use.

#### **Comments of the Examiner under the Rejection**

It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the anchoring means of Schnorr with the apparatus in order to prevent the device from moving during use.

#### **Reply to the Examiner's Comments**

Claim 1, the dependent claim has been amended to included the allowable material of Claim 4. Claim 3 depends from amended Claim 1, and is therefore allowable.

#### **Allowable Subject Matter**

#### **Comments of the Examiner**

Claims 4, and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

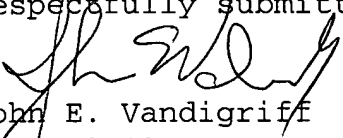
Claims 11-19 are allowed.

Serial No. 10/803,451

**Summary**

Since Claims 1 and 20 have been amended to include material which the Examiner has stated to be allowable, and since Claims 11-19 have been allowed, it is respectfully requested that Claims 1-3, and 5-20 be allowed, and the application passed to issue.

Respectfully submitted,



John E. Vandigriff

Reg. 22,127

Tel: 972-436-0184

Fax: 972-221-1200